IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)		
	Plaintiff,) 8:09CR109)		
	vs.) DETENTION ORDER		
JE	FFREY WELKER,			
	Defendant.	\		
A.	Order For Detention After waiving a detention hearing pursuant Act on March 25, 2009, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform s the above-named defendant detained		
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	distribute methamphetan carries a maximum sen possession of firearms b stolen firearms (Count III a maximum sentence of marijuana (Count V) an marijuana (Count VI) in maximum sentence of fiv of a firearm during a drug of 18 U.S.C. § 924(c) ca sentence of five years in (b) The offense is a crime of (c) The offense involves a n	and includes the following: e offense charged: y to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § 846 tence of twenty years imprisonment; the y a felon (Count II) and the possession of) in violation of 18 U.S.C. § 922 each carry ten years imprisonment; the distribution of d the possession with intent to distribute violation of 21 U.S.C. § 841 each carry a re years imprisonment; and the possession g trafficking offense (Count VII) in violation arries a mandatory consecutive minimum apprisonment. f violence.		
	may affect whet The defendant h X The defendant h X The defendant h X The defendant is	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. Is not a long time resident of the community. does not have any significant community		

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		 X The defendant has a history relating to drug abuse. X The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.
	(b)	At the time of the current arrest, the defendant was on: Probation
		 X Supervised Release - D. Nebr. 8:02CR230 Release pending trial, sentence, appeal or completion of sentence.
	(c)	Other Factors: The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to deportation if convicted.
		The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4)	The	nature and seriousness of the danger posed by the defendant's
, ,		e are as follows: The nature of the charges in the Indictment, the dant's criminal history, and his violation of supervised release.
<u>X</u> (5)		table Presumptions
	on the	following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
>		the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that
		the crime involves: (1) A crime of violence; or
		(2) An offense for which the maximum penalty is life imprisonment or death; or
		 X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
		 (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one
,	/ /b\	of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
	<u>(</u> (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable cause to believe:
		 X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of
		10 years or more. X (2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous weapon or device)

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 25, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge